

65373 U.S. PTO.



12/23/96

8
C. Off.
PATENT

Docket No. 212302000320 1/30/97

CERTIFICATE OF MAILING BY "FIRST CLASS MAIL"

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to:
Assistant Commissioner for Patents, Washington, D.C. 20231, on December 18, 1996.

Susan K. Lehnhardt
Susan K. Lehnhardt

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In the application of:

STEFAN MILTENYI et al.

Serial No.: 08/416,920

Filing Date: 21 April 1995

For: DIRECT SELECTION OF CELLS BY
SECRETION PRODUCT

Examiner: R. Schwadron

Group Art Unit: 1816

RESPONSE TO RESTRICTION REQUIREMENT

Assistant Commissioner for Patents
Washington, D.C. 20231

RECEIVED
JAN 17 1997
GROUP 1800

Dear Sir:

This paper responds to the restriction requirement mailed on September 18, 1996 for which a response was due on October 18, 1996. Applicants request a two month extension of time and enclose the appropriate fee therefor under 37 C.F.R. § 1.17(a).

Applicant hereby elects Groups I and II (claims 1-30, 34-51, and 53-56), with traverse. Applicant expressly reserves his/her right under 35 U.S.C. § 121 to file a divisional application directed to the nonelected subject matter during the pendency of this application, or an application claiming priority from this application.

The traversal of the restriction requirement is based on the restriction requirement in the related case, serial no. 08/487,048 in which the claims were grouped into two groups: Claims 1-6, 17-21 and claims 7-16. The arbitrariness of the requirement indicates that there would be no difficulty in examining all the claims together.

Applicant requests examination of the elected subject matter on the merits.

Dated: December 18, 1996

Respectfully submitted,

By: Susan Lehnhardt
Susan K. Lehnhardt
Registration No. 33,943

Morrison & Foerster LLP
755 Page Mill Road
Palo Alto, California 94304-1018
Telephone: (415) 813-5695
Facsimile: (415) 494-0792